



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018081197
 Date Received: 020218
 Date Due: 03/14/2018
 Grievance Code: 2D2
 Investigator ID #: I 2015
 Extension Date: 04/23/2018
 Date Retd to Offender: 031518

Offender Name: Aaron Striz TDCJ # 838215
 Unit: E2/H5 Housing Assignment: C-226
 Unit where incident occurred: E2/H5

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? SCC rep K. Gibson; Asst. Warden C. Lacrox; BWILL Adamick When? Jan 18, 2018

What was their response? ineligible for GRAD due to SPD-Codes; remain in seg as Confirmed-ABT

What action was taken? 020218

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

This grievance is in response to my S.C.C. review conducted on 1-18-18 and the resulting violation of Due Process. In August 2001 I was placed in seg as "confirmed-ABT" and told that I must complete the GRAD Program in order to return to population. Since July 2010 my "disassociation packet" has been complete, but due to SPD-Codes I am not eligible for GRAD. At every S.C.C. review TDCJ officials acknowledge the fact that I am no longer a gang-member, then state that until I complete GRAD I will remain in seg as a gang-member, but that I am not eligible for GRAD due to SPD Codes.

The "Introduction" of the TDCJ Classification Plan states that one of its objectives is to comply with Due Process. This Due Process is required by Federal caselaw in cases such as Ruiz v. Estelle, 503 F.Supp 1265; Kelly v. Brewer, 525 F.2d 394; Hewitt v. Helms, 459 U.S. 460, all of which require a continuing valid reason supported by some evidence to keep an inmate in seg, as well as meaningful periodic reviews. ~ Additionally, Superintendent v. Hill, 472 U.S. 445, states, "Due Process is not satisfied where the reviews are a sham, the reviews must be meaningful and not simply perfunctory." ~ Hewitt also states, "Ad-seg may not be used as a pretext for indefinite confinement to ad-seg." 020218

#1.) By acknowledging that my "disassociation packet" is complete since 2010, STENO & S.C.C. admit that I am no longer a gang member and therefore, there is no evidence and no valid reason to continue seg confinement. Yet, at every subsequent S.C.C. review they state that their basis for the decision to keep me in seg is "confirmed-ABT" which they admit is no longer valid. This is a violation of Due Process and federal caselaw. 020218

#2.) This charade of S.C.C. stating that my disassociation packet is complete, then using "confirmed-ABT" as the basis for continued confinement reveals these reviews to be a meaningless perfunctory sham. This is a violation of Due Process and federal caselaw.

#3.) I am not in seg due to SPD-Codes. These SPD-Codes are completely unrelated and 020218

irrelevant to why I am in seg. for these are being used as the pretext to keep me in seg... even though I would not otherwise be in seg due to these SPD codes. Therefore, the simple fact that I am in seg is the reason why I remain in seg indefinitely. Again, this is a violation of Due Process and federal caselaw. 090218

Considering all of this, why am I still in seg? Why is SCC willfully and knowingly using an invalid excuse to keep me in seg as "Confirmed-ABT," in violation of Due Process required by Federal caselaw? 090218

Action Requested to resolve your Complaint:
Either; 1. Let me complete GRAD (or "Modified" GRAD located here on Estelle U.S.); or 2) Remove the "Confirmed-ABT" label and reclassify me accordingly.

Offender Signature: Aaron Seg Date: 1-18-18 090218

Grievance Response:

Your complaint has been noted by this office. Insufficient evidence was found to support your claim that SCC has denied you due process. After reviewing all documentation it was determined that SCC was correct in their vote due to your multiple assigned SPD codes. It has been determined that and your claim holds no merit therefore, no further action is required by this office.

Vaughn
Warden Brewer

Signature Authority: [Signature] Date: 3-14-18
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☒ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY	
Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2nd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3rd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____



Texas Department of Criminal Justice
STEP 2
OFFENDER
GRIEVANCE FORM

Offender Name: AARON STRIZ TDCJ # 838215
Unit: ESTELLE H.S. (DA) Housing Assignment: HS - C-226
Unit where incident occurred: ESTELLE H.S.

OFFICE USE ONLY	
Grievance #:	<u>2018081197</u>
UGI Recd Date:	<u>MAR 20 2018</u>
HQ Recd Date:	<u>MAR 26 2018</u>
Date Due:	<u>4-29</u>
Grievance Code:	<u>202</u>
Investigator ID#:	<u>I1364</u>
Extension Date:	

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

ACCORDING TO SUPERINTENDENT V. KILL, 472 US 445; "DUE PROCESS IS NOT SATISFIED WHERE REVIEWS ARE A SHAM, THE REVIEWS MUST BE MEANINGFUL AND NOT SIMPLY PERFUNCTORY."

THE DUE PROCESS I'VE RECEIVED IS NOT MEANINGFUL. SCC ACKNOWLEDGES FOR THE PAST 8 YEARS THAT I AM DISASSOCIATED AND NO LONGER A GANG MEMBER. BUT DUE TO SPD CODES THAT ARE COMPLETELY UNRELATED (AND OCCURRED AT A COUNTY JAIL PRIOR TO PRISON), I AM NOT ELIGIBLE FOR GRAD. RATHER THAN RESOLVE THIS CONFLICT, STATE CLASSIFICATION CONDUCTS A SHAM HEARING AND STATES THAT EVEN THOUGH I AM NOT A GANG MEMBER, I WILL REMAIN IN AD-SEG AS A GANG MEMBER, INDEFINITELY. THEY KNOWINGLY USE A FALSE PRETEXT TO KEEP ME IN SEG. HOW DOES THIS SATISFY DUE PROCESS? HOW IS THERE NO MERIT TO THIS CLAIM WHEN IT IS SUPPORTED BY FEDERAL CASELAW?

PLEASE RESOLVE THIS SITUATION OR I WILL BE FORCED TO FILE A §1983 DUE PROCESS COMPLAINT IN FEDERAL COURT.

Offender Signature: *Aaron Steg*Date: 3-17-18

Grievance Response:

Your Step 2 grievance has been investigated by this office. You were appropriately advised at the Step 1 level. Based on the facts available at this time, no further action is warranted by this office.

Offender Signature:

Date:

Grievance Response:

MATT GROSS
ASSISTANT REGION DIRECTOR

Signature Authority: *[Signature]*Date: 4-25-18

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

Signature Authority: _____

Returned because: *Resubmit this form when corrections are made.

☐ 1. Grievable time period has expired.☐ 2. Illegible/Incomprehensible.*☐ 3. Originals not submitted.*

I-128 Back (Revised 11-2010)

☐ 4. Inappropriate/Excessive attachments.*☐ 5. Malicious use of vulgar, indecent, or physically threatening language.

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Appendix G



Texas Department of Criminal Justice

OFFICE USE ONLY

STEP 1

OFFENDER GRIEVANCE FORM

Offender Name: AARON STRIZ TDCJ # 838215
 Unit: DARRINGTON Housing Assignment: A-314
 Unit where incident occurred: DARRINGTON

Grievance #: _____
 Date Received: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID #: _____
 Extension Date: _____
 Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? UCC/MAJOR K. PHARR (Upon arrival at DA Unit) When? MARCH 29, 2018

What was their response? We know you're not ABT, but they're using it to keep you in seg

What action was taken? remain in seg

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

~~*The purpose of this grievance is to fulfill PLRA "Exhaustion of Remedies" requirements prior to~~
 filing a § 1983 complaint in Federal Court. I grieved this issue at Estelle, but since I've
 been transferred here, to Darrington, I have to restart the exhaustion procedure
 JUN 11 2018 JUN 11 2018

In August 2001 I was placed in seg as a confirmed ABT and told that I must complete
 the GRAD Program in order to return to general population. Since July 2010 my disasso-
 ciation packet has been complete, "attachment B" form is complete, stating that I am no longer
 a gang member. At every S.C.C. review since July 2010, S.C.C. acknowledges that I
 am no longer a gang member, then they state that I am not eligible for GRAD due to SPD
 Codes, and therefore I will remain in seg as a "confirmed gang member" until I complete
 GRAD. These SPD Codes are 20 years old, from a county jail, and ~~are~~ are comp-
 letely unrelated to why I am in seg. Six weeks after the incident at county jail, I
 arrived in TDCJ and was assigned to MINIMUM CUSTODY. I've had no incidents since
 then. No Staff Assaults. No Escapes. No weapons cases. But they tell me I can not be on Minimum
 Custody / G-3 to complete GRAD due to SPD Codes... when my initial classification upon
 entering TDCJ was to Minimum Custody. This makes NO SENSE! JUN 11 2018

Ruiz v. Estelle, 503 F.Supp 1265; Kelly v. Brewer, 525 F.2d 394; Hewitt v. Helms 459 U.S. 460, all
 require Due Process and a continuing valid reason supported by evidence in order to keep an ~~inmate~~
 inmate in seg, as well as meaningful periodic reviews. — Hewitt also states that "Ad-Seg
 may not be used as a pretext for indefinite confinement to Ad-seg." — Superintendent v. Hill,
 472 U.S. 445 states, "Due Process is not satisfied where the reviews are a sham, the reviews
 must be meaningful and not simply perfunctory." JUN 11 2018

Sandin v. Conner, 115 S.Ct. 2243, established the requirement of "atypical & significant" in degree or
 duration of confinement. While the 5th Circuit, in Hernandez v. Velasquez, 522 F.3d 556, requires
 L-127 Front (Revised 11-2010) YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM (OVER)
 a showing of "extraordinary circumstances" to proceed on Due Process complaint. The 5th Circuit
 also determines a liberty interest based on a prisoner's ~~initial~~ initial classification upon entering
 prison; Wilkerton v. Stalder 329 F.3d. 431. — Any reasonable person would acknowledge that

17 years in seg under these extraordinary circumstances would qualify as atypical and significant.
 Case 3:18-cv-00202 Document 1-1 Filed 06/17/18 in TXSD Page 6 of 9
 Considering all of this caselaw, why am I still in seg? Since 2010, S.C.C. acknowledges that I am no longer a gang member; therefore there is no valid reason for me to be in seg. Yet they turn around and remain me to seg as a "confirmed gang member" simply for being ineligible for GRAD. How is this Due Process? These hearings are a meaningless sham. By using these SPD Codes as a pretext to keep me in seg, even though I am not, nor would I be, in seg for SPD Codes, the simple fact that I am in seg is the reason why I am in seg indefinitely. At my U.C.C. hearing Major Pharr admitted this, stating that S.C.C. is using the SPD Codes to keep me in seg as a gang member because they don't want me in population due to the old escape... even though I've already been in population, on minimum custody, without incident. This makes no sense and violates all standards of Due Process established by Federal Courts. JUN 11 2018 JUN 11 2018

Action Requested to resolve your Complaint:
 either send me to GRAD (or Modified GRAD at Estelle High Security); or remove the "confirmed APT" label, ~~and~~ reclassify me accordingly, and release me from ad-seg.
 Offender Signature: [Signature] Date: 6-10-18
 Grievance Response:

Signature Authority: _____ Date: _____
 If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
 - ☐ 2. Submission in excess of 1 every 7 days. *
 - ☐ 3. Originals not submitted. *
 - ☐ 4. Inappropriate/Excessive attachments. *
 - ☐ 5. No documented attempt at informal resolution. *
 - ☐ 6. No requested relief is stated. *
 - ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
 - ☐ 8. The issue presented is not grievable.
 - ☒ 9. Redundant, Refer to grievance # 2018081197
 - ☐ 10. Illegible/Incomprehensible. *
 - ☐ 11. Inappropriate. *
- UGI Printed Name/Signature: L. HOWARD
[Signature] **UGI**

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY	
Initial Submission	UGI Initials: <u>UH</u>
Grievance #:	<u>2018146732</u>
Screening Criteria Used:	<u>9</u>
Date Recd from Offender:	<u>JUN 11 2018</u>
Date Returned to Offender:	<u>JUN 11 2018</u>
2 nd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 rd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: AARON STRIZ TDCJ # 838215
 Unit: DARRINGTON Housing Assignment: A-3.14
 Unit where incident occurred: DARRINGTON

OFFICE USE ONLY

Grievance #: _____
 UGI Recd Date: _____
 HQ Recd Date: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID#: _____
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This issue is not "redundant" because; 1.) I am attempting to exhaust administrative remedies as required by PLRA, to provide official notice prior to filing a §1983 claim. ~~Due~~ Due to being transferred, I must restart/re-exhaust the grievance procedure; and,

2.) This is an ongoing, continuing issue which was recently ~~renewed~~ renewed by two U.C.C. reviews since arriving at Darrington.

Offender Signature: Aaron Stog

Date: June 11, 2018

Grievance Response:

Signature Authority:

Date:

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

A314

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Inter-Office Communication

Administrative Review and Risk Management

TO: Aaron Strig
 TDCJ# 838215
 Unit DA
 FROM: UGI 2256

DATE 6-13-18

SUBJECT: Improperly Submitted Grievance

Your correspondence has been received in this office and has been reviewed. This letter is being returned to you and the response to your correspondence is indicated below. If you need additional information or assistance, you may contact the Unit Grievance Investigator on your unit.

- ☐ Policy requires that all grievances be submitted through your unit grievance investigator within 15 days of the applicable date.
- ☐ This Step 2 appeal is being returned to you without action; however, the unprocessed Step 1 grievance # _____ is under review.
- ☐ If you are not satisfied with the response you receive from a Step 1 investigation, you have the option of appealing to Step 2 within 15 days of the signature date on the Step 1 form.

☐ This Step 2 appeal cannot be processed without the corresponding original, answered Step 1 grievance.

☐ These issues have been reviewed through both steps of the grievance process. Further action by this office is not warranted.

☒ You may not submit a Step 2 appeal on Step 1 grievance # that was returned to you unprocessed using one of the screening criteria.

☐ Our records indicate that grievance # _____ is currently under review.

☐ Your Step 1 grievance was properly screened.

☐ A copy of the Instructions on How to Write and Submit Grievances is enclosed for your information.

☐ Attachments returned (_____ pages).

cc: File